

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, September 15, 2004 – 10:45 a.m. – Room W010 House Building

Members Present:

Sen. James M. Evans, Senate Chair
Rep. Mike Thompson, House Chair
Sen. Scott K. Jenkins
Sen. Paula F. Julander
Sen. Sheldon L. Killpack
Sen. David L. Thomas
Rep. Judy Ann Buffmire
Rep. Marda Dillree
Rep. Craig Frank
Rep. Patricia W. Jones
Rep. Brad Last
Rep. David Litvack

Rep. Rebecca Lockhart
Rep. Steven R. Mascaro
Rep. Darin G. Peterson
Rep. Jack A. Seitz
Rep. Aaron Tilton

Members Absent:

Rep. J. Morgan Philpot

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Catherine J. Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.leg.utah.gov or by contacting the committee secretary, Joy Miller, at 538-1032. A recording of the meeting may also be available from the committee secretary.

1. Committee Business

Chair Thompson called the meeting to order at 10:55 a.m.

MOTION: Rep. Lockhart moved to approve the minutes of the August 18, 2004 meeting. The motion passed unanimously with Sen. Evans and Rep. Dillree absent for the vote.

2. Certification of Direct-entry Midwives

Rep. Jackie Biskupski stated she has been working with certified nurse midwives to develop legislation that would be helpful to all parties.

Ms. Suzanne Smith, Utah Midwives Association, distributed a fact sheet for the Direct-entry Midwife Act and a summary of the proposed legislation. She explained that the proposed bill defines and legalizes the practice of direct-entry midwives. Under the bill, licensed direct-entry midwives who are authorized to use medications must earn the certified professional midwife credential and successfully complete a DOPL-approved pharmacology course specifically focused on the medications to be used by midwives.

Rep. Thompson turned the chair over to Sen. Evans.

Ms. DaNece Fickett, Utah Nurses Association, stated that Utah nurses cannot support the dilution of a professional organization like nurses or nurse midwives. Because direct-entry midwives are not certified or regulated, there is no way of knowing how many failed home deliveries have occurred. She pointed out that there are many liabilities for the medical profession who would assume care for failed home deliveries. She said she could not support the bill as written.

Ms. Rebecca McInnis, certified nurse midwife, stated she was involved with developing legislation for regulation of direct-entry midwifery in Texas. She stated that it is a safe option that should be available for women to choose.

Mr. Chet Loftis, UMA (Utah Medical Association), said the UMA opposes licensing of anyone lower than a certified nurse midwife. He expressed his concerns with the bill. The main issue of concern is liability. Delivering babies today is one of the two specialties with the highest medical liability insurance costs in the medical profession. He noted that the bill would change the focus of the law from parental choice in delivery options to sanctioning this particular class of provider.

Ms. Holly Richardson, Utah Midwives Association, indicated that midwives do not provide care for women with high risk pregnancies and said that they are very well trained to screen for pregnancy risks. She also said that women should have the ability to choose a legal provider such as a direct-entry midwife. She encouraged adoption of the bill.

Ms. Lisa Roberts, College (American College of Nurse Midwives), indicated that the College does not support some of the gynecological procedures direct-entry midwives would be allowed to do under the proposed legislation. She indicated that at this point in time, the College's position on the bill is neutral and that it will continue to work with the sponsor to develop a bill that is appropriate for all concerned.

MOTION: Rep. Litvack moved to approve draft legislation, "Certification of Direct-entry Midwives," as a committee bill.

SUBSTITUTE MOTION: Rep. Lockhart moved to go to the next item on the agenda. The motion passed unanimously with Sen. Julander and Rep. Mascaro absent for the vote.

3. Repeal of Health Care Assistant Registration

Rep. Lockhart pointed out that the issue was discussed in a previous meeting which resulted in the proposed legislation.

Ms. Laura Poe, DOPL (Division of Occupational and Professional Licensing), explained that the proposed legislation would eliminate the registration of health care assistants from Title 58, Chapter 31b, Nurse Practice Act.

MOTION: Rep. Lockhart moved to approve draft legislation, "Repeal of Health Care Assistant Registration," (2005FL-0180/003) as a committee bill. The motion passed unanimously with Sen. Julander and Rep. Mascaro absent for the vote.

4. Repeal of Certain Occupations and Professions from the Sunset Act

The Committee considered legislation requested at the August interim meeting. Ms. Poe explained that the legislation provides a list of professions that do not require a sunset date because they are continually

being reviewed.

Ms. Candace Daly indicated that she represents some of the occupations listed in the bill and agrees with having their sunset dates removed.

MOTION: Rep. Lockhart moved to approve draft legislation, "Repeal of Certain Occupations and Professions from the Sunset Act," (2005FL-1082/001) as a committee bill. The motion passed unanimously with Sen. Julander and Rep. Mascaro absent for the vote.

5. Other Business /Adjourn

Rep. Tilton stated many prescription drug retailers are precluded from filling a 90-day prescription. He indicated that mail order pharmacy providers have a labor and price advantage relative to local retailers. He asked if the issue could be discussed in a future meeting.

Mr. Kelly Atkinson, Executive Director, Utah Health Insurance Association, explained that some insurance companies enter into agreements with pharmacy providers to guarantee volume in order to get better rates. It is a business decision that is used to hold down the cost of health care.

Chair Evans recommended that Rep. Tilton study the issue and bring a recommendation to the Committee.

MOTION: Rep. Frank moved to adjourn the meeting. The motion passed unanimously.

Chair Evans adjourned the meeting at 12:30 p.m.